



**STATEMENT OF**  
  
**THE HONORABLE MIKE LAWLOR**  
**CHAIR, JUDICIARY COMMITTEE**  
**CONNECTICUT HOUSE OF REPRESENTATIVES**

**ON BEHALF OF THE**  
**NATIONAL CONFERENCE OF STATE LEGISLATURES**  
**REGARDING**

**JUVENILE JUSTICE REFORM**

**BEFORE THE**  
  
**SUBCOMMITTEE ON CRIME**  
**OF THE**  
**U.S. HOUSE JUDICIARY COMMITTEE**

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**OF**  
**MIKE LAWLOR**  
**CHAIR, JUDICIARY COMMITTEE**  
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Two years ago Chairman McCollum asked the three most important questions in the Juvenile Justice debate:

- How many 18 year old killers were repeatedly cycled through our country's juvenile justice system at younger and possible more hopeful stages in their lives?
- What could have been done to hold those young people accountable at the initial discovery of their law-breaking predilections?
- How could the justice system have intervened and made a difference in their lives before they became such a clear danger to the community?

Four years ago I sat where you are today, listening to experts from the front lines of the struggle against youth violence in our communities, trying to decide how best to answer these questions and whether indeed there were any changes in public policy or budget priorities which could reduce the tidal wave of serious cases overwhelming our juvenile courts. In fifty state legislatures, my colleagues struggled with the same dilemma.

Since then, virtually every state in our nation has made great strides in reforming a juvenile justice system which had become out of date in many ways. Guns and their role in the drug business had transformed after school fistfights into the lead story on the evening news. Victims of crime, armed with new rights and vocal allies demanded access to court proceedings and real justice. Concentrations of urban poverty had destroyed traditional family units and, by default, state and local governments had become responsible for the welfare of more children than we could possibly handle. Community policing and new law enforcement tactics meant more arrests and more overcrowded juvenile court dockets. Juvenile detention facilities had become filled with African American and Latino youths, even more disproportionately than adult prisons and jails. The system had reached a breaking point.

### **Solutions**

Although the problems which led to reform in the states were similar throughout the nation, the solutions chosen by state, county and local policy makers have been far from uniform. What has typified reform in most states, however, is the use of a range of sanctions, allowing intervention

at younger ages than ever before, in the hope that children who show early signs of problem behavior can be diverted from a path which often leads to serious offenses and long term incarceration, if not death.

### **Connecticut Begins to Reform**

I will never forget our committee's hearings on juvenile justice reform in 1995. First, I was shocked by the number of people who came forward to offer ideas. Teachers, clergy, police officers, judges, teen counselors, parents, probation officers, juvenile court judges, career prosecutors all echoed the same frustration. People who work with kids and who care about kids can spot problems long before they become serious, we were told. Professionals and volunteers alike expressed frustration that the old juvenile justice system did not allow them to intervene in a child's life in time to actually make a difference. The rules were too cumbersome and the resources were too inadequate. Instead, the old system seemed to focus exclusively on the kids who had already committed a very serious offense, and these offenders exhausted the courts' time and money, ignoring the less serious cases where kids lives could have been turned around.

In the end, Connecticut chose to establish an elaborate array of programs each consisting of a combination of sanctions and treatment options which had proven to be effective elsewhere. Working with federal officials, we learned of success stories from around the country and we adopted many recommendations of the comprehensive strategy for serious, violent and chronic offenders, developed by the Office of Juvenile Justice and Delinquency Prevention. Since then, your budget authorizations have allowed Connecticut and many states to fully develop many of these graduated sanctions programs. Today, my state has a system that works for us and we are steadily making progress in the fight to prevent violence among teenagers.

### **The Road Ahead**

This year, we all have an opportunity to take a step back, consider the strides we have made in reforming juvenile justice systems and philosophy around the nation, and decide, where we can and should go from here. I know that I speak for the National Conference of State Legislatures, the Council of State Governments and many other associations of state, county and local policy makers when I suggest that there are some very good and some very bad choices that you can make here in the federal Congress.

### **First, the Bad Choices**

An overly prescriptive, one size fits-all mandate could undermine the progress made in many states. In my state, graduated sanctions in juvenile justice is not simply a matrix of specific penalties applied to specific offenders with specific records. It is a menu of choices available to judges, prosecutors, probation and police officers, teachers and others to use at their discretion, depending on the circumstances of each case. We have developed a flexible approach geared toward immediate intervention and proven results. Not every 15-year-old car thief with a record of several arrests needs to be sent to prison and not every 9-year-old first time truant needs to be simply brought home to his parents.

Both the NC.S.L. and C.S.G. have established national policies and enacted national resolutions urging Congress not to further federalize crime policy and not to enact mandates regarding specific juvenile penalties and procedures and record keeping. I'm sure that you can imagine how frustrating it would be for us to go back to 1995 and start all over again in order to conform to a well intentioned but procedurally foreign mandate with several federal funding penalties. In the process, we could lose some or all of the momentum we have built up during the past four years.

Connecticut is not alone. I have learned many lessons in recent years regarding the uniqueness of individual states. My state, for example, has no county government at all. We have only one court level, no elected prosecutors and no elected judges. The state has sole responsibility for all probation, adult and juvenile. Virtually all graduated sanctions programs are run by the state or by private, non-profit organizations funded by the state. "Juveniles" in Connecticut are only those under the age of sixteen. All sixteen-year-olds are treated as adults for all crimes, and that's the way it has been for more than twenty years.

Each state has developed its own juvenile justice system over the years, so reform must be specifically tailored to what exists in that state already, and not to a national standard which has no relation to institutions, practices and values in the various states. Many states have already discussed foregoing federal funds tied to specific mandates in this area. This is not because these funds aren't needed, but because the cost of the mandated changes would far outweigh the corresponding grants, and because the mandated changes would turn the clock back on the progress which has already been made.

## **Second, the Good Choices**

The federal government does have an important role to play in stewarding our nation through this very significant transition in juvenile justice. Gun violence among teenagers related to the drug business, for example, is a national phenomenon. Effective strategies which evolve in Oregon should be considered in Connecticut, and a national exchange of good ideas combined with federal funding for pilot projects and replication is a welcome trend. The leadership of this Congress and this Administration has helped us deliver on real juvenile justice reform over the past four years and the results have been reassuring.

Every state has success stories to be told in this battle. Each state can contribute at least one good idea to the national wealth of best practices in saving kids from a life of incarceration or despair, and countless innocent victims can be saved from violent and property crime. So far, you have been a key ally in this national effort. The federal-state-local partnership has worked well and there is much more that we can do together.

## **Graduated Sanctions in Connecticut**

Graduated sanctions as a strategy for the states, together with flexible tactics geared to local tradition and individualized outcomes will be a success. Connecticut's experience gives you one example:

In 1995 Connecticut did not have graduated sanctions in its juvenile justice system. The reality was that the most serious violent juveniles were the focus of the juvenile court, and virtually all other less serious juvenile cases were ignored. There were 222 offenders in our secure juvenile facility, 356 in court ordered community placements and 122 at home on parole supervision. The 1995 system had no other options.

In four years we have grown a graduated sanctions network which in January of 1999 supervised an additional 1,052 juvenile offenders in various programs throughout the state. At the same time there were 226 offenders in our secure juvenile facility, 454 in court ordered community placements and 217 at home on parole supervision.

The 1,052 offenders in the newly established and rapidly growing assortment of graduated sanctions programs would have been ignored by the system just four years ago. We are monitoring and evaluating these programs, and next year we expect to have the first longitudinal study of rates of recidivism and other success indicators for these programs and the offenders they supervise. I have attached a summary of the eleven types of graduated sanctions programs currently employed in our state, together with a description of the target population for each.

## **A Plea from the States**

Today, Connecticut and its 49 sister states across the nation can claim progress in the effort to hold juveniles accountable for the crimes they commit, and to hold the juvenile justice system itself accountable for its own successes and failures. Our goal is to meet the challenge made by the front line professionals who first responded to our pleas for advice and assistance as we began to reform a system which had been overwhelmed by modern problems.

I am pleased to report that morale has never been higher among the dedicated men and women who work with children every day. They now have many of the resources they have asked for in order to lock up the true predators and to intervene in the lives of so many other juveniles who begin to veer off onto the path that has lead so many of their older brothers and sisters to a life of violence or personal destruction. Teachers, counselors, probation and police officers, prosecutors and judges know these signs too well. They ask only that we give them the resources and authority to make a difference in these young lives at the critical moment, and they plead with us not tie their hands with out of place and irrelevant bureaucratic mandates. As state officials, we ask you, our colleagues in the Congress, to do the same for us.

## **PROGRAM HIGHLIGHTS**

- **DIVERSION**

**Target Population** High risk/high need juveniles entering the juvenile justice system for the first time, and who are on non-judicial supervision.

**Program** Coordinated service brokering geared to access resources (memberships, equipment, tuition) for non-judicially supervised juveniles who are referred by a juvenile probation officer

- **MEDIATION**

**Target Population** Juveniles referred to court for cases involving interpersonal conflicts between relatives, neighbors' children and other children.

**Program** A voluntary alternative to traditional court processing to resolve disputes and address the root causes of conflicts that may trigger future offenses. Where appropriate, formal mediation and less formal victim/juvenile dialogues take place.

- **GATEWAY**

**Target Population** Juveniles who have been arrested one or two times for charges identified as "gateway" type offenses, and who exhibit high risk behavior and/or fit the profile for high risk of recidivism.

**Program** Gateway program services intervene at the entry point into the system instead of waiting until the juvenile becomes more seriously involved, requiring more intensive and expensive sanctions and intervention. Individual, group and family services have been designed for three groups of gateway offenders: juveniles with learning disabilities whose acting out behaviors have led to problems with the juvenile justice system; juveniles involved with auto-theft related activities; and girls entering the juvenile justice system.

- **COURT-BASED ASSESSMENTS**

**Target Population** Juveniles in need of psychological, psychiatric, substance abuse, and/or sex offender evaluations for whom evaluations are ordered by the court, or whose juvenile probation officer requests an evaluation.

Program comprehensive assessment and evaluation of juveniles incorporates the Juvenile Probation risk/needs assessment in conjunction with diagnostic centers in each juvenile court. A contract model is used to coordinate the psychiatric/psychological, substance abuse and sex offender evaluations. This system provides an improved means to determine which alternative sanction, if any, is appropriate, and assists the court in making the best program/placement decision for each juvenile referred.

- **OUTPATIENT MENTAL HEALTH AND SUBSTANCE ABUSE TREATMENT**

**Target Population** Juveniles under some form of probation supervision who exhibit the need for substance abuse intervention or outpatient treatment, and/or outpatient mental health treatment

**Program** Outpatient mental health and substance abuse treatment designed to engage young offenders and their families, which includes outreach to the home, and non-traditional treatment modalities. These programs will address non-compliance as treatment issues and not a reason for client discharge

- **JUVENILE JUSTICE CENTERS**

**Target Population** Juveniles under some form of probation or parole supervision who have exhibited moderate to serious court involvement or who are at high risk for continued involvement with the juvenile justice system.

**Program** The Juvenile Justice Centers are center-based, and also rely heavily on local community partnerships and agreements to serve juvenile delinquents and their families. Many strong, youth-oriented services exist in many of Connecticut's communities. It is often difficult for court-involved youth and their families to access these services. The Juvenile Justice Centers serve as a community-based resource to link juveniles and their families to existing services, while often times filling gaps in local services with in-house programming.

- **INTENSIVE OUTREACH AND MONITORING**

**Target Population** Juveniles who are facing commitment to DCF for delinquency, but who can benefit from this home-based service in lieu of commitment.

**Program** Case managers who are available 24 hours a day, seven days each week, and work non-traditional hours, meet with clients in the context of the family and provide access to community-based services which will remain in place even after the case manager's involvement has been completed.

- **ALTERNATIVES TO DETENTION**

**Target Population** Juveniles who are placed in Juvenile Detention Centers, but who have been assessed as appropriate for staff-secure programming in lieu of being incarcerated in Detention.

**Program** The ADPs offer both residential and intensive day-reporting programming in Hartford, Bridgeport and New Haven. The residential programs are licensed by DCF and provide intensive staff-secure services. Day reporting programming operates seven days each week, and is equally intensive. Services include education, structured recreation, community services, case management, individual and group services, family work, and access to mental health and substance abuse treatment intervention and treatment.

- **JUVENILE SUPERVISION AND REPORTING CENTERS**

**Target Population** Juveniles sentenced to probation who would otherwise be committed to DCF for delinquency but who can be served and supervised through this intensive community-based program.

**Program** Six to twelve month intensive staff-secure day reporting program, with licensed, short-term residential services available. Services include education, structured recreation, community services, case management, individual and group services, family work, and access to mental health and substance abuse treatment intervention and treatment.

- **COMMUNITY DETENTION FOR GIRLS**

**Target Population** Girls detained on a pre-trial basis who are not appropriate for alternative to detention programming or intensive supervision

**Program** Physically secure program with focus on girls issues. Services include Services include education, structured recreation, case management, individual and group services, family work, and access to medical and mental health and substance abuse education, intervention, and treatment.

- **RESIDENTIAL COMMUNITY ALTERNATIVE PROGRAM (R-CAP)**

- **Target Population** Boys who have failed JSRC or Outreach and Monitoring or for whom placement in such programs is questionable



**Program** 90 day physically secure program focusing on physical fitness and wilderness programming. Additional services include: year round education; medical and mental health services; substance abuse education, intervention and treatment; case management; community service; family visitation and counseling; comprehensive aftercare planning.

- **LONGITUDINAL EVALUATION OF JUVENILE PROGRAMS**

This three year evaluation of the OAS funded juvenile programs will provide a baseline to measure the efficacy and outcome of juveniles in particular programs, and will begin to track the program's effect on juveniles moving through the system to determine how many re-appear in the criminal justice system. The evaluation studies juveniles who participate in the OAS network of programs, and also studies comparison groups of juveniles who were committed, or who did not receive services through the network

# OFFICE OF ALTERNATIVE SANCTIONS JUVENILE PROGRAMS

## CONTINUUM OF COMMUNITY-BASED ALTERNATIVE SANCTIONS

Court-based Assessment	Alternatives to Detention	Early Intervention Programs	Intermediate Sanctions	Mental Health & Substance Abuse
<p>Risk /Needs</p> <p>Mental Health/ Substance Abuse Evaluation</p>	<p>Non- Residential Services</p> <p>Residential Centers</p>	<p>Mediation</p> <p>Diversion</p> <p>Gateway Programs</p> <p>Juvenile Justice Centers</p>	<p>Juvenile Justice Centers</p> <p>Intensive Case Management</p> <p>Juvenile Supervision &amp; Reporting Centers</p>	<p>Outpatient Services</p> <p>Access to Residential Treatment</p>